

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

P & C HOTELS, LLC

PLAINTIFF

v.

Case No. 4:16-cv-4037

LEINART CONSTRUCTION, INC.;
JERRY L. HOLLENSWORTH;
TRULL-HOLLENSWORTH, ARCHITECTS, INC.;
RICHARD E. ACKLEY; and
ACKLEY ENGINEERING, INC.

DEFENDANTS

ORDER

Before the Court is Plaintiff P & C Hotels, LLC's Motion to Remand. (ECF No. 11). Defendant Leinart Construction, Inc. does not dispute Plaintiff's assertion that remand is appropriate. The Court finds this matter ripe for consideration.

Plaintiff asks the Court to remand the case to the Circuit Court of Hempstead County, Arkansas. Plaintiff argues that after it filed its amended complaint (ECF No. 17), adding defendants, this Court no longer has subject matter jurisdiction over this action.¹ "If after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may . . . permit joinder and remand the action to state court." 28 U.S.C. § 1447(e). In this case, Plaintiff filed an unopposed motion for leave to file an amended complaint, which the Court granted. Plaintiff then filed its amended complaint, adding four additional defendants. Plaintiff is a citizen of Arkansas. Newly added Defendants Jerry L. Hollensworth; Trull-Hollensworth, Architects, Inc.; Richard E. Ackley; and Ackley Engineering, Inc. are also all citizens of Arkansas. The parties in this case do not have complete, diverse citizenship. The Court can find no other basis for its jurisdiction in this case.

¹ The Court's basis for jurisdiction in this case is diversity of citizenship. The original parties in this action were Plaintiff P & C Hotels, LLC, a citizen of Arkansas, and Defendant Leinart Construction, Inc., a citizen of Texas.

Accordingly, Plaintiff's Motion to Remand (ECF No. 11) should be and hereby is **GRANTED**, and this action is hereby remanded to the Circuit Court of Hempstead County, Arkansas for proper adjudication of the issues in this case.

IT IS SO ORDERED, this 25th day of October, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge